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 ATTORNEY FOR Plaintiff: KIM SHELBY

**UNITED STATES DISTRICT COURT**  
**Central District - Western Division**

**KIM SHELBY**

Plaintiff(s)

CASE NUMBER:  
**2:15-CV-5073-MMM-JEM**

v.

**TUFAMERICA, INC., ET AL**

Defendant(s)

**PROOF OF SERVICE**  
**SUMMONS AND COMPLAINT**  
 (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- a. ☒ summons ☐ first amended complaint ☐ third party complaint  
☒ complaint ☐ second amended complaint ☐ counter claim  
☐ alias summons ☐ third amended complaint ☐ cross claim  
☐ other (specify):

2. Person served:

- a. ☒ Defendant (name): TUFAMERICA, INC., a New York Corporation  
 b. ☒ Other (specify name and title or relationship to the party/business named):  
**AARON FUCH - AUTHORIZED TO ACCEPT**  
 c. ☒ Address where the papers were served:

**246 W 38TH ST., FLOOR 5B**  
**NEW YORK, NY 10018**

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure  
 b. ☒ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☐ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.  
 1. ☐ Papers were served on (date): at (time):  
 b. ☒ By Substituted Service. By leaving copies: **ALEX GOHOREL - PERSON IN CHARGE**  
 1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.  
 2. ☒ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.  
 3. ☒ Papers were served on (date): **8/12/2015** at (time): **12:24 PM**  
 4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).  
 5. ☒ papers were mailed on **Aug 12, 2015 - DECLARATION OF MAILING ATTACHED**  
 6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.  
 c. ☐ Mail and acknowledgment of service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (Attach completed Waiver of Service of summons and Complaint).

- d. ☐ Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☒ Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (by first-class mail, postage prepaid) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (Attach a copy of the order to this Proof of Service.)
- f. ☐ Service on a foreign corporation. In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual receipt by the person served).
- h. ☐ Other (specify code section and type of service):
5. Service upon the United States, and its Agencies, Corporations or Officers.
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorney's Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): at (time):
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (Attach signed return receipt or other evidence of actual receipt by the person served).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (Attach signed return receipt or other evidence of actual receipt by the person served).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (name, address and telephone number):
- Bobby All  
Janney & Janney Attorney Service, Inc  
1545 Wilshire Blvd., Suite 311  
Los Angeles, CA 90017  
(213) 628-6338
- a. Fee for service: \$ 250.00
- b. ☒ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22360(b)
- d. ☐ Registered California process server  
Registration # :871612  
County:
8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 13, 2015

Bobby All  
Type or Print Server's Name

(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>STEPHEN M. DONIGER</b> <b>DONIGER / BURROUGHS, APC</b> <b>603 ROSE AVE. VENICE, CA 90291</b>  TELEPHONE NO.: <b>(310) 590-1820</b> E-MAIL ADDRESS (Optional): <b>stephen@donigerlawfirm.com</b> ATTORNEY FOR (Name): <b>Plaintiff: KIM SHELBY</b>		FOR COURT USE ONLY          	
SBN: <b>179314</b>   FAX NO. (Optional): <b>(310) 417-3538</b>			
<b>USDC - Central District - Western Division</b>  STREET ADDRESS: <b>312 N. Spring St. #G-8</b>  MAILING ADDRESS:  CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b>  BRANCH NAME: <b>Central District - Western Division</b>			
PLAINTIFF/PETITIONER: <b>KIM SHELBY</b>  DEFENDANT/RESPONDENT: <b>TUFAMERICA, INC., ET AL</b>		CASE NUMBER:  <b>2:15-CV-5073-MMM-JEM</b>	
<b>PROOF OF SERVICE BY MAIL</b>		Ref. No. or File No.:	

I am a citizen of the United States and employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1545 Wilshire Blvd., Los Angeles, CA 90017.

On August 12, 2015, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

summons;complaint;

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

**TUFAMERICA, INC., a New York Corporation**  
**ATTENTION: AARON FUCH - AUTHORIZED TO ACCEPT**  
**246 W 38TH ST. FLOOR 5B**  
**NEW YORK, NY 10018**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

Fee for Service: 250.00



Janney & Janney Attorney Service, Inc.  
1545 Wilshire Blvd., Suite 311  
Los Angeles, CA 90017  
(213) 628-6338

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on August 13, 2015.

Signature:

K. Alexanian II

### PROOF OF SERVICE BY MAIL

Order#: LA508111017 /mailproof